

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAREGINALD WHITLEY,  
Plaintiff,

v.

ROSANA JAVATE, et al.,  
Defendants.

Case No. 20-00680 BLF (PR)

**ORDER DENYING MOTION FOR  
EXTENSION OF TIME TO APPEAL  
AS PREMATURE**

(Docket No. 48)

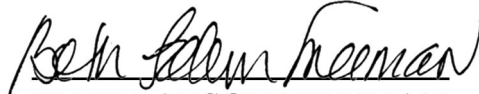
Plaintiff, a state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against medical personnel at Salinas Valley State Prison where he is currently incarcerated. The Court found the first amended complaint stated cognizable claims and ordered the matter served on Defendants. Dkt. No. 14. Defendants filed a motion for summary judgment on June 21, 2021. Dkt. No. 30. Plaintiff filed an opposition and a request for judicial notice on August 4, 2021, Dkt. Nos. 35, 36, and Defendants filed a reply on September 14, 2021, Dkt. No. 47. The matter became submitted on the date Defendants filed their reply. *Id.*

The Court has not yet issued a decision on Defendants' summary judgment motion. Accordingly, Plaintiff's motion for an extension of time "to appeal the decision of the district court for summary judgment" is DENIED as premature. Dkt. No. 48.

1 This order terminates Docket No. 48.

2 **IT IS SO ORDERED.**

3 **Dated: \_\_\_November 1, 2021\_\_\_**

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

25 Order Denying Motion as Premature  
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